

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

COUNTY OF SACRAMENTO,

Defendant.

Case No. 2:22-cv-02193-DAD-JDP (PC)

SCREENING ORDER THAT PLAINTIFF
PROCEED ONLY WITH HIS
FOURTEENTH AMENDMENT
EXCESSIVE FORCE CLAIMS AGAINST
DEFENDANTS SAUCEDO AND JOHN
DOES 1-2 AND HIS FOURTEENTH
AMENDMENT DELIBERATE
INDIFFERENCE CLAIMS AGAINST
DEFENDANTS LYNETTE AND ALANA

FINDINGS AND RECOMMENDATIONS
THAT ALL OTHER CLAIMS AND
DEFENDANTS BE DISMISSED WITHOUT
PREJUDICE

ECF No. 15

FOURTEEN DAY DEADLINE TO OBJECT

Plaintiff, an inmate in the Sacramento County Jail, alleges that on February 16, 2022, deputies Saucedo and John Does 1-2 used excessive force against him. ECF No. 15 at 3-4. He also claims that in the aftermath of the excessive force incident, nurses Lynette and Alana failed to provide adequate medical care for his injuries. *Id.* at 6-8. These allegations can proceed.¹

¹ It appears that plaintiff is a pre-trial detainee and not a prisoner. As such, his excessive force and inadequate medical care claims proceed under the Fourteenth Amendment rather than the Eighth.

1 Plaintiff's claims against the remaining defendants and his claims regarding placement in
2 disciplinary segregation, however, should be dismissed.

3 **Screening and Pleading Requirements**

4 A federal court must screen the complaint of any claimant seeking permission to proceed
5 *in forma pauperis*. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and
6 dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon
7 which relief may be granted, or seeks monetary relief from a defendant who is immune from such
8 relief. *Id.*

9 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
10 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its
11 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
12 require detailed allegations, but legal conclusions do not suffice. See *Ashcroft v. Iqbal*, 556 U.S.
13 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere
14 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not
15 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg'l Med. Ctr.*, 832 F.3d 1024,
16 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that
17 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264
18 n.2 (9th Cir. 2006) (en banc) (citations omitted).

19 The court must construe a pro se litigant's complaint liberally. See *Haines v. Kerner*, 404
20 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant's complaint “if it
21 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
22 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).
23 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements
24 of the claim that were not initially pled.”” *Bruns v. Nat'l Credit Union Admin.*, 122 F.3d 1251,
25 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

26 **Analysis**

27 Plaintiff alleges that on February 16, 2022, while plaintiff was incarcerated at the Rio
28 Consumnes Correctional Center, defendant Saucedo slammed him into a wall without

1 justification. ECF No. 15 at 3. John Doe 1 then placed a knee on plaintiff's neck and upper back
2 area. *Id.* After plaintiff was restrained by multiple deputies, John Doe 2 placed his hands around
3 plaintiff's neck and attempted to choke him. *Id.* at 4. These Fourteenth Amendment allegations
4 are suitable to proceed. Plaintiff goes on to allege that after the attack, defendants Lynette and
5 Alana failed to provide adequate medical care for the injuries he sustained. *Id.* at 6-7. These
6 Fourteenth Amendment claims are also viable to proceed.

7 Other claims and defendants are not suitable to proceed past screening, however. During
8 the articulation of his medical claims, plaintiff references other healthcare providers. Their names
9 are not provided and the brevity and vagueness of the allegations against them makes it difficult
10 to tell if they are being named as defendants. For instance, plaintiff alleges that the day after the
11 excessive force incident, an unnamed physician ordered X-rays, but that a wheelchair was not
12 provided for plaintiff during this encounter. *Id.* at 7. Assuming that plaintiff intends to hold the
13 physician responsible for the lack of a wheelchair, the allegations are insufficient to show that he
14 or she acted with deliberate indifference. Elsewhere, plaintiff alleges that an unnamed female
15 nurse failed to send away a male nurse whom he deemed untrustworthy during a medical
16 encounter. *Id.* Assuming this is intended to be a separate claim, it is insufficiently detailed to
17 proceed past screening.

18 At the end of his complaint, plaintiff alleges that his rights were violated when prison
19 officials moved him into disciplinary housing after the incident. *Id.* at 9. He claims the move
20 was made without complying with certain unspecified mandatory procedures in which prison
21 officials created a liberty interest. *Id.* Absent allegations as to what these procedures were and
22 how they were violated, this claim is inadequate. Finally, plaintiff alleges that after being moved,
23 he was served food tainted by metal shavings and a beverage cup that had liquid soap in it. *Id.* at
24 10. He does not allege who was responsible for the tainted meals. Moreover, neither the housing
25 relocation nor the tainted meals bear sufficient relation to the excessive force or lack of adequate
26 medical care. Given that this is plaintiff's third complaint, I find that, rather than offering another
27 opportunity to amend, the viable claims should proceed and all other claims and defendants
28 should be dismissed.

1 Accordingly, it is ORDERED that:

2 1. The third amended complaint, ECF No. 15, brings viable Fourteenth Amendment
3 excessive force claims against defendants Saucedo, John Does 1-2, Lynette, and Alana. Only the
4 named defendants can be served at this time, however. When and if plaintiff learns the identities
5 of the John Doe defendants, he may add them to the complaint and service will be attempted at
6 that time.

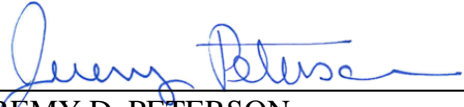
7 2. With this order, the Clerk of the Court shall provide to plaintiff a blank summons,
8 a copy of the March 27, 2023 complaint and 3 USM-285 forms and instructions for service of
9 process on defendants Saucedo, Lynette, and Alana. Within 30 days of service of this order,
10 plaintiff must return the attached Notice of Submission of Documents with the completed
11 summons, the completed USM-285 forms, and four copies of the endorsed complaint. The court
12 will transmit them to the United States Marshal for service of process pursuant to Rule 4 of the
13 Federal Rules of Civil Procedure. Defendants will be required to respond to plaintiff's allegations
14 within the deadlines stated in Rule 12(a)(1) of the Federal Rules of Civil Procedure.

15 Further, it is RECOMMENDED that all other claims and defendants be DISMISSED
16 without leave to amend for failure to state a viable claim.

17 These findings and recommendations are submitted to the United States District Judge
18 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
19 after being served with these findings and recommendations, any party may file written
20 objections with the court and serve a copy on all parties. Such a document should be captioned
21 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
22 objections shall be served and filed within fourteen days after service of the objections. The
23 parties are advised that failure to file objections within the specified time may waive the right to
24 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
25 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

IT IS SO ORDERED.

Dated: April 5, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

COUNTY OF SACRAMENTO,

Defendant.

No. 2:22-cv-02193-DAD-JDP (PC)

NOTICE OF SUBMISSION OF
DOCUMENTS

In accordance with the court's Screening Order, plaintiff must submit:

<u>1</u>	completed summons form
<u>3</u>	completed forms USM-285
<u>4</u>	copies of the March 27, 2023 complaint

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated:

Plaintiff